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SIDLEY AUSTIN LLP
David W. Carpenter*
Bradford A. Berenson*
David L. Lawson*
Edward R. McNicholas*
Eric A. Shumsky #206164
1501 K Street, N.W.
Washington, DC 20005
Tel: (202) 736-8000
Fax: (202) 736-8711
bberenson@sidley.com

PILLSBURY WINTHROP SHAW PITTMAN LLP
Bruce A. Ericson #76342
Jacob R. Sorensen #209134
Marc H. Axelbaum #209855
50 Fremont Street
Post Office Box 7880
San Francisco, CA 94120
Tel.: (415) 983-1000
Fax: (415) 983-1200
bruce.ericson@pillsburylaw.com

Attorneys for AT&T Defendants * admitted pro hac vice

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

In re: NATIONAL SECURITY AGENCY TELECOMMUNICATIONS RECORDS LITIGATION	MDL Dkt. No. 06-1791-VRW **[PROPOSED] ORDER GRANTING MOTION OF DEFENDANTS AT&T COMMUNICATIONS OF SOUTHWEST, INC., ET AL. TO DISMISS PLAINTIFF'S APPLICATION TO COMPEL** Courtroom: 6, 17th Floor Judge: Hon. Vaughn R. Walker
This Document Relates To: *Clayton, et al. v. AT&T Communications of the Southwest, Inc.*, No. 07-1187	

Dockets.Justia.com

On April 2, 2009, defendants AT&T Communications of the Southwest, Inc., SBC Long Distance, L.L.C., SBC Advanced Solutions, Inc., TCG St. Louis Holdings, Inc. dba TCG St. Louis and Southwestern Bell Telephone L.P., and TCG Kansas City, Inc. moved pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure to dismiss Plaintiff's First Amended Application to Compel Production of Documents and to Compel Witnesses to Appear and Answer Questions Upon Oral Examination (Dkt. 1-6, "Application") for failure to state a claim upon which relief can be granted ("Motion").

On May 7, 2009, Defendants' Motion came on for hearing before the Court. Having considered Defendants' Motion, Plaintiff's opposition thereto, Defendants' reply and the oral arguments by counsel for the parties, and good cause appearing,

IT IS HEREBY ORDERED that:

1. Defendants' Motion is hereby GRANTED on the ground that Plaintiff has failed to state a claim upon which relief can be granted;

2. Plaintiff's Application is hereby DISMISSED with prejudice and without leave to amend.

Dated: ______________________ ________________________
Hon. Vaughn R. Walker
United States District Chief Judge